

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL ACTION NO. 4:22-CR-156-
§ ALM-CAN;
KENNETH WILLIAM BENSON (1) § 4:22-MJ-384-CAN-1

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant Kenneth William Benson's ("Defendant") supervised release. This matter was referred to the Court for a report and recommendation, and the Court conducted a hearing on June 30, 2022, to determine whether Defendant violated his supervised release. Defendant was represented by Mike Pannitto of the Federal Public Defender's Office. The Government was represented by Assistant United States Attorney Andrew Stover.

Defendant was sentenced on November 13, 2020, before The Honorable Diana Saldana of the Southern District of Texas after pleading guilty to Conspiracy to Transport an Undocumented Alien within the United States, a Class C felony. This offense carried a statutory maximum imprisonment term of 10 years. The guideline imprisonment range, based on a total offense level of 15 and a criminal history category of IV, was 30 to 37 months. Defendant was subsequently sentenced to 18 months imprisonment and a 3-year term of supervised release which was subject to the standard conditions of release, plus special conditions to include: mental health evaluation; mental health treatment; and a \$100 special assessment. On June 4, 2021, Defendant completed his period of imprisonment and began service of the supervision term in the Northern District of Texas. On January 7, 2022, Defendant's supervision was transferred to the Eastern District of

Texas, and on June 28, 2022, jurisdiction of the case was transferred to The Honorable Amos L. Mazzant, III.

On May 16, 2022, the United States Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 1 at 4-5, Sealed]. The Petition asserts that Defendant violated two (2) conditions of supervision, as follows: (1) You must not commit another federal, state, or local crime; and (2) The defendant shall pay to the United States a special assessment of \$100, which is due immediately [Dkt. 1 at 4, Sealed].

The Petition alleges that Defendant committed the following acts: (1) On April 30, 2022, Defendant was arrested by Denison Police Department and charged with Theft of Property >=\$30K<\$150K, a Third-Degree Felony. He remains in the Grayson County Jail in Sherman, Texas; and (2) Defendant has failed to pay the court-ordered special assessment of \$100 as ordered [Dkt. 1 at 4, Sealed].

Prior to the Government putting on its case, Defendant entered a plea of true to allegation 2 of the Petition. The Government dismissed allegation 1 of the Petition. Having considered the Petition and the plea of true to allegation 2, the Court finds that Defendant did violate his conditions of supervised release.

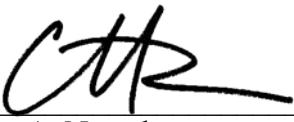
Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this Court [Dkts. 10, 11].

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for an additional term of imprisonment of twelve (12) months, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons facility in Texarkana, Texas, if appropriate.

SIGNED this 12th day of July, 2022.



Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE